



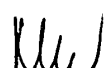
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,486	06/08/2000	Brian Hamilton	9122-2	1098
25297	7590	11/30/2004		
JENKINS & WILSON, PA 3100 TOWER BLVD SUITE 1400 DURHAM, NC 27707			EXAMINER KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/590,486	<b>Applicant(s)</b> HAMILTON, BRIAN	
	<b>Examiner</b> Stefano Karmis	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>11/01/2004</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

### **DETAILED ACTION**

1. This communication is in response to Applicant's amendment filed 08 November 2004.

#### ***Status of Claims***

2. Claims 1, 5, 10, 12, 15, 19, 24, 28 and 33 have been previously amended. Claims 2-4, 6-9, 11, 13, 14, 16-18, 20-23, 25-27, 29-32 and 34-37 have been left as originally filed. Claims 38-46 are previously added.

#### ***Response to Amendment***

3. The affidavit filed on 06 April 2004 under 37 CFR 1.131 is sufficient to overcome the previously cited references of Lewis, U.S. Patent 6,513,019 and Elliott, U.S. Patent 6,651,219.
4. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Summary of this Office Action***

5. Applicant's arguments, filed 08 November 2004, with respect to the rejection(s) of claim(s) 1-46 have been fully considered and are persuasive. Therefore, the rejection has been

withdrawn. However, upon further consideration, a new ground(s) of rejection is made as discussed below.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 5-7, 15, 16, 19-21, 24, 25, 28-30, 38, 39, and 42-45 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tyler, U.S. Patent 4,992,939.

Regarding independent claims 1, 15, and 24, Tyler discloses a method of producing a financial analysis report for a business entity, the method comprising the following operations performed by a data processing system:

receiving financial information about a business entity for a selected time period (column 2, lines 50-53);

calculating a set of financial values using the received financial information for the selected time period, wherein each financial value in the set is calculated from a respective one of a plurality of financial formulas (column 4, lines 48 thru column 5, line 25) whereupon Tyler discloses using financial data to calculate a Current Ratio using financial formulas;

comparing at least one of the financial values in the set with one or more financial values associated with other business entities within a selected industry (column 4, lines 20-35), whereupon Tyler discloses in the Decision Area of the Analytical Report Area inputting industry information including standard ratios;

assigning a score to one or more of the financial values in the set, wherein each assigned score reflects an assessment of financial performance of the business entity relative to other business entities within the selected industry (column 4, lines 60-67 and Figure 1) whereupon Tyler discloses that the industry data inputted at step 10 of Figure 1 is processed and based on that data and a formula a test of True or Not True is performed and assigned to the financial value;

selecting one or more portions of stored text corresponding to one or more combinations of assigned scores, wherein the one or more portions of stored text comprise narrative financial analysis information (column 4, lines 63-67);

and building a document from the one or more portions of selected text to produce a narrative financial analysis report for the business entity, the narrative financial analysis report including text explaining a meaning of each combination of scores in a narrative format (column 5, lines 45-57).

Claim 2, 16 and 25 wherein the financial formulas are selected from the group consisting of liquidity ratios, asset management ratios, debt management ratios, profitability ratios and market value ratios (Table throughout columns 11-14).

Claims 38, 42 and 44, the narrative financial analysis report includes text that explains relationships between combinations of scores for sets of financial values that relate to different financial performance indicators (column 5, lines 37-67).

Regarding independent claims 5, 19 and 28, Tyler discloses a method of producing a financial analysis report for a business entity, the method comprising the following operations performed by a data processing system:

receiving financial information about a business entity for a first time period and a selected time period, wherein the selected time period is chronologically later than the first time period (column 2, lines 50-53);

calculating a first set of financial values using the received financial information for the selected time period, wherein each financial value in the set is calculated from a respective one of a plurality of financial formulas (column 4, lines 48 thru column 5, line 25) whereupon Tyler discloses using financial data to calculate a Current Ratio using financial formulas;

calculating a second set of financial values using the received financial information for the selected time period, wherein each financial value in the set is calculated from a respective one of a plurality of financial formulas (column 4, lines 48 thru column 5, line 25) whereupon Tyler discloses using financial data to calculate a Current Ratio using financial formulas;

assigning a score to one or more of the financial values in the second set, wherein each assigned score reflects an assessment of change in financial performance from the first time period to the second time period (column 4, lines 60-67 and Figure 1) whereupon Tyler discloses

that the industry data inputted at step 10 of Figure 1 is processed and based on that data and a formula a test of True or Not True is performed and assigned to the financial value;

selecting one or more portions of stored text corresponding to one or more combinations of assigned scores, wherein the one or more portions of stored text comprise narrative financial analysis information (column 4, lines 63-67);

and building a document from the one or more portions of selected text to produce a narrative financial analysis report for the business entity, the narrative financial analysis report including text explaining a meaning of each combination of scores in a narrative format (column 5, lines 45-57).

Claims 6, 20, and 29, comparing at least one of the financial values in the second set with one or more financial values associated with other business entities within a selected industry (column 4, lines 20-35); and assigning a score to one or more of the financial values in the second set, wherein each assigned score reflects an assessment of financial performance of the business entity relative to other business entities within the selected industry (column 4, lines 60-67 and Figure 1).

Claim 7, 21 and 30 wherein the financial formulas are selected from the group consisting of liquidity ratios, asset management ratios, debt management ratios, profitability ratios and market value ratios (Table throughout columns 11-14).

Claims 39, 43 and 45, the narrative financial analysis report includes text that explains relationships between combinations of scores for sets of financial values that relate to different financial performance indicators (column 5, lines 37-67).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 3, 4, 8-14, 17, 18, 22, 23, 26, 27, 31-37, 40, 41 and 46 are rejected under 35

U.S.C. 103(a) as being unpatentable over Tyler U.S. Patent 4,992,939 in view of Ainsbury et al.

(hereinafter Ainsbury) U.S. Patent 6,078,924.

Regarding independent claim 10, Tyler teaches a method of producing a financial analysis report for a business entity, the method comprising the following operations performed by a data processing system:

receiving financial information about a business entity for a selected time period (column 2, lines 50-53);

calculating a set of financial values using the received financial information for the selected time period, wherein each financial value in the set is calculated from a respective one of a plurality of financial formulas (column 4, lines 48 thru column 5, line 25) whereupon Tyler discloses using financial data to calculate a Current Ratio using financial formulas;

comparing at least one of the financial values in the set with one or more financial values associated with other business entities within a selected industry (column 4, lines 20-35), whereupon Tyler discloses in the Decision Area of the Analytical Report Area inputting industry information including standard ratios;

assigning a score to one or more of the financial values in the set, wherein each assigned score reflects an assessment of financial performance of the business entity relative to other business entities within the selected industry (column 4, lines 60-67 and Figure 1) whereupon Tyler discloses that the industry data inputted at step 10 of Figure 1 is processed and based on that data and a formula a test of True or Not True is performed and assigned to the financial value;

selecting one or more portions of stored text corresponding to one or more combinations of assigned scores, wherein the one or more portions of stored text comprise narrative financial analysis information (column 4, lines 63-67);

and building a document from the one or more portions of selected text to produce a narrative financial analysis report for the business entity, the narrative financial analysis report including text explaining a meaning of each combination of scores in a narrative format (column 5, lines 45-57).

Tyler fails to teach producing the financial analysis report via an intermediary website on a computer network and transmitting information over the network. Ainsbury teaches a method and apparatus for performing data collection, interpretation and analysis in an information platform in which a network is used to retrieve data, analyze data and report creation (column 52, lines 31-55). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Tyler to include the network communication teachings of Ainsbury in report creation because it provides a more efficient manner to retrieve data and send information to users at remote locations and thus greatly improving the reach of the system.

Claim 11, wherein the financial formulas are selected from the group consisting of liquidity ratios, asset management ratios, debt management ratios, profitability ratios and market value ratios (Table throughout columns 11-14).

Claim 3, 17 and 26, Tyler teaches receiving financial information about the business entity and inputting it into a computer (column 4, lines 13-25). Tyler fails to teach providing the financial information via a computer network and transmitting information over the network. Ainsbury teaches a method and apparatus for performing data collection, interpretation and analysis in an information platform in which a network is used to retrieve data, analyze data and report creation (column 52, lines 31-55). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Tyler to include the network communication teachings of Ainsbury in report creation because it provides a more efficient manner to retrieve data and send information to users at remote locations and thus greatly improving the reach of the system.

Claim 4, 18 and 27, Tyler teaches transmitting the narrative financial analysis report to a user from the computer or by printing the report (column 79, lines 23-48). Tyler fails to teach providing the financial report via a computer network and transmitting information over the network. Ainsbury teaches a method and apparatus for performing data collection, interpretation and analysis in an information platform in which a network is used to retrieve data, analyze data and report creation (column 52, lines 31-55). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Tyler to include the network communication teachings of Ainsbury in report creation because it provides a more efficient manner to retrieve data and send information to users at remote locations and thus greatly improving the reach of the system.

Claim 40, the narrative financial analysis report includes text that explains relationships between combinations of scores for sets of financial values that relate to different financial performance indicators (column 5, lines 37-67).

Regarding independent claims 12 and 33, Tyler discloses a method of producing a financial analysis report for a business entity, the method comprising the following operations performed by a data processing system:

receiving financial information about a business entity for a first time period and a selected time period, wherein the selected time period is chronologically later than the first time period (column 2, lines 50-53);

calculating a first set of financial values using the received financial information for the selected time period, wherein each financial value in the set is calculated from a respective one of a plurality of financial formulas (column 4, lines 48 thru column 5, line 25) whereupon Tyler discloses using financial data to calculate a Current Ratio using financial formulas;

calculating a second set of financial values using the received financial information for the selected time period, wherein each financial value in the set is calculated from a respective one of a plurality of financial formulas (column 4, lines 48 thru column 5, line 25) whereupon Tyler discloses using financial data to calculate a Current Ratio using financial formulas;

assigning a score to one or more of the financial values in the second set, wherein each assigned score reflects an assessment of change in financial performance from the first time period to the second time period (column 4, lines 60-67 and Figure 1) whereupon Tyler discloses

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that the industry data inputted at step 10 of Figure 1 is processed and based on that data and a formula a test of True or Not True is performed and assigned to the financial value; selecting one or more portions of stored text corresponding to one or more combinations of assigned scores, wherein the one or more portions of stored text comprise narrative financial analysis information (column 4, lines 63-67);

Tyler fails to teach producing the financial analysis report via an intermediary website on a computer network and transmitting information over the network. Ainsbury teaches a method and apparatus for performing data collection, interpretation and analysis in an information platform in which a network is used to retrieve data, analyze data and report creation (column 52, lines 31-55). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Tyler to include the network communication teachings of Ainsbury in report creation because it provides a more efficient manner to retrieve data and send information to users at remote locations and thus greatly improving the reach of the system.

Claims 13 and 34, comparing at least one of the financial values in the second set with one or more financial values associated with other business entities within a selected industry (column 4, lines 20-35); and assigning a score to one or more of the financial values in the second set, wherein each assigned score reflects an assessment of financial performance of the business entity relative to other business entities within the selected industry (column 4, lines 60-67 and Figure 1).

Claim 14 and 35 wherein the financial formulas are selected from the group consisting of liquidity ratios, asset management ratios, debt management ratios, profitability ratios and market value ratios (Table throughout columns 11-14).

Claim 8, 22, 31 and 36, Tyler teaches receiving financial information about the business entity and inputting it into a computer (column 4, lines 13-25). Tyler fails to teach providing the financial information via a computer network and transmitting information over the network. Ainsbury teaches a method and apparatus for performing data collection, interpretation and analysis in an information platform in which a network is used to retrieve data, analyze data and report creation (column 52, lines 31-55). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Tyler to include the network communication teachings of Ainsbury in report creation because it provides a more efficient manner to retrieve data and send information to users at remote locations and thus greatly improving the reach of the system.

Claim 9, 23, 32 and 37, Tyler teaches transmitting the narrative financial analysis report to a user from the computer or by printing the report (column 79, lines 23-48). Tyler fails to teach providing the financial report via a computer network and transmitting information over the network. Ainsbury teaches a method and apparatus for performing data collection, interpretation and analysis in an information platform in which a network is used to retrieve data, analyze data and report creation (column 52, lines 31-55). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Tyler

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to include the network communication teachings of Ainsbury in report creation because it provides a more efficient manner to retrieve data and send information to users at remote locations and thus greatly improving the reach of the system.

Claims 41 and 46, the narrative financial analysis report includes text that explains relationships between combinations of scores for sets of financial values that relate to different financial performance indicators (column 5, lines 37-67).

#### ***Response to Arguments***

10. Applicant's arguments with respect to claim 1-46 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted  
Stefano Karmis  
17 November 2004



HANI M. KAZIMI  
PRIMARY EXAMINER

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PRIMARY EXAMINER